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THE TIMES-DISPATCH, Richmond, Va.

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TUESDAY, JANUARY 10, 1905.

Mr. Carnegie's Gift.

At the dedication of a public library at Beloit College, Wisconsin, one day last week, Mr. Horace White, of New York, gave out a statement showing that Mr. Andrew Carnegie has either given or pledged the sum of \$333,240 for the erection of 1,290 libraries. Of these, 770 are in the United States, and the amount given or pledged is \$23,091,050. The amounts given or pledged to the Southern States are as follows: Alabama, \$90,000; Florida, \$30,000; Georgia, \$257,500; Kentucky, \$533,500; Louisiana, \$200,000; Maryland, \$55,000; Missouri, \$1,237,500; North Carolina, \$100,000; South Carolina, \$25,000; Texas, \$483,000; Tennessee, \$105,000. Mr. White explained that it is a condition of Mr. Carnegie's gifts that the communities supplied shall expend annually a sum equal to 10 per cent. of the cost of the building for the maintenance and upkeep of the libraries—that is, for books, library service and repairs. "As this money has to be raised by taxation," said he, "it becomes a common interest. Everybody has a share in it; everybody feels at liberty to use the library, and everybody is interested in its good administration."

As to the good accomplished by the Carnegie libraries and the interest taken in them by the beneficiaries, Mr. White had this to say:

"I attended the formal opening of one of these branch libraries a few days ago, in the east side of the city, in the midst of a working population. The day was cold and snow was falling, but the new library was surrounded by a large group of children and youths of both sexes, eager to get a glimpse of the interior of this comfortable and well-provided structure, which was to be thrown open to them on the following day. I called Dr. Billings's attention to the throng outside. 'Yes,' said he, 'and if you come to-morrow you will see them inside here, all holding out their hands for books.'"

"It was an inspiring sight, and I could not help contrasting it with the scarcity of books in my own boyhood days. The poorest family in New York or in Beloit has greater wealth of books than the poorest family in the richest family in either place had fifty years ago. No fact marking the progress of the world has more significance than this."

Continuing in this strain, Mr. White made these observations:

"How rich, then, how wide of the mark it is to say, as some persons do, that the indiscriminate giving of money for free libraries is enfeebling the minds of the people by putting in their hands the absorbing trash of the day. How are we to know what is trash and what is not? Dante did not become famous till some centuries after his death. John Bunyan was derided by all the critics of his own period, and the poet, Cowper, who flourished nearly a century later, told the same story. The society the 'Pilgrim's Progress' was mentioned only with a sneer."

"No committee of experts or censors can infallibly distinguish between the diamonds and the paste of literature. Only the sifting of the ages can do this. I say that any books which are not obviously immoral may be safely placed within the reach of the multitude and that the intelligence of the communities which support public libraries by self-imposed taxation may be trusted with the selection of the books to be placed on their shelves."

There are citizens of Richmond who contend that it would be unbecoming for this city to accept a gift of \$300,000 from Mr. Carnegie. We have no difficulty in understanding the spirit of Southern pride and independence. No Southern gentleman wishes to put himself or his community under an embarrassing obligation to a person upon whose bounty he has no claim. But we ask all such objectors, if they would raise an objection should Mr. Carnegie offer to give to the University of Virginia, or to come nearer home, to Richmond College, the sum of \$100,000, or any sum, large or small, as an endowment? We take it they would not object, because outsiders have endowed these institutions, and so far as we have heard no objection whatever has been raised. On the contrary, there is even now an organized effort engineered by distinguished Southern men to raise an endowment fund of \$2,000,000 for the benefit of the University of Virginia, and Northern men will be asked to subscribe. Why, then, should we object to a library endowment for Richmond from Mr. Carnegie, especially when he is giving his money away in a business-like manner, and when other communities are taking it without embarrassment? Mr. Carnegie, who is conceded to be one of the bravest men in the United States, has come to the conclusion that the best use he can make of his surplus wealth is to aid the people in this community, and that in establishing public libraries, in order that there may be no embarrassment, in order that the people may take a proper interest, he proposes to make

a bargain with them, under which he will do part and they will do part—he will erect the building and they will supply the books and carry on the work of the institution.

If Richmond declines the offer it will be many a day before she has a public library, and the poorer people of the community, who have not the means of purchasing books, will be deprived of the privileges and benefits which Mr. Carnegie wishes to give them. The library will not be for the benefit of the rich, who can buy books for themselves, but for the benefit of the poor.

The impression has gotten abroad that all sorts of embarrassing conditions are attached to Mr. Carnegie's gift. The impression is entirely erroneous. There is positively and absolutely no condition whatsoever, except that we shall provide the site and that the Council shall pass an ordinance making an appropriation of \$10,000 a year for expenses. It is needless to enumerate and dwell in detail the various alleged conditions reported. It is enough to say, in general terms, that they do not exist. With the exception of the provision for a site and for the annual appropriation of \$10,000, there is no condition, expressed or implied, which would not apply to any library we might establish on our own account. The Times-Dispatch is as zealous as any of Richmond's good names and prestige, but it utterly fails to see any impropriety in accepting Mr. Carnegie's offer.

The Arbitration Treaties.

Referring to the objection raised to the treaties between the United States and foreign countries now pending in the Senate, Hon. John W. Foster, former Secretary of State, has written for the independent article which seems to clear up all the doubts. "It is a well recognized principle of both international and municipal law," says Mr. Foster, "that a government cannot by treaty or otherwise enter into, binding stipulations with any other power in violation of its constitution or organic law." By way of illustration he mentions that the treaty of 1853 between the United States and France contained a provision that consuls "shall never be compelled to appear as witnesses before the courts." Mr. Dillon, the French consul at San Francisco, was summoned as a witness in a criminal case pending in the United States District Court, and he pleaded this stipulation of the treaty; but the court held that it could have no force or effect because it was in conflict with amendment VI. of the Constitution of the United States, which provides that "in all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor," etc. The French government complained that the action of the court was a violation of the treaty, but Secretary of State Marcy successfully maintained that the stipulation cited was of no force, because the Constitution is to prevail over a treaty where the provisions of one come in conflict with the others, and that it was not without the competence of either Congress or the treaty-making power to modify or restrict the operation of the Constitution of the United States.

Mr. Foster further explains that it is a well recognized principle of international law that a foreigner who enters into contractual relations with a government, whether national or local, does so with implied knowledge of the existing laws that when the foreign holders of the reputed bonds of Southern States purchased these instruments there existed a provision of the Federal Constitution by which they were excluded from enforcing these obligations through the courts. Amendment XI. of the Constitution provides that "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

"The government of the United States," Mr. Foster concludes, "has never attempted to coerce a State of the Union or restrict its action respecting its financial obligation. It possesses no power under the Constitution to do so. The attempt to confer such power by treaty on a foreign tribunal would be in violation of the spirit and intent of the Constitution. It would be an effort to force a State of the Union to submit through the agency of the Federal government to sovereign rights to the jurisdiction of a tribunal other than those of its own creation. All the treaties pending in the Senate contain a proviso that no question shall be submitted to the arbitration of The Hague court, which involves the vital interests, the independence or the honor of the two contracting States. In the very improbable event that nation with which we enter into a treaty of arbitration should ask for its citizens or subjects or in its own behalf, the submission to The Hague of a question involving the responsibility of a State of the Union or the Federal government for the repudiated bonds, our government would undoubtedly answer that the question involved the 'vital interests' even the very 'independence' of the country; as it would put in doubt the efficacy of the Constitution, and it would very justly decline to refer to The Hague."

This seems to dispose effectually of the objections, which have come in the main from an Irish society in Philadelphia. But as the question has been raised, Southern senators have acted wisely in having a clause inserted which will remove all possible doubt.

Rebates on the Santa Fe.

There is nothing hid that shall not be revealed. It is a truth that some railroads would do well to lay to heart. The last revelation to the public has been the testimony before the Interstate Commerce Commission, which shows how the Atchafalaya, Topoka and Santa Fe Railroad destroyed the Caledonian Coal Company by giving a rebate of \$1.15 per ton on all coal to the Colorado Fuel and Iron Company, which was the chief competitor with the Caledonian in the Southwest territory. With perfect composure Mr. W.

D. Biddle, freight traffic manager for the Santa Fe Railroad, testified that when he filed the freight schedules with the Interstate Commerce Commission in accordance with law, he made a mental reservation that in each case the rates should include the cost of the coal, and when asked whether any other shipper could have secured that rate, he replied: "I suppose he could," but added that he did not know of any that had done so.

The whole story is more lurid than anything that Lawson has yet written, though it is told in far simpler language. It seems that the Caledonian Company was led by the promise of patronage from the Santa Fe Railroad to spend \$100,000 in opening mines at Gallup, and to spend \$50,000 further in erecting a business block and stocking its stores. This was in 1888 and at first the company received one-tenth and later one-fourth of the coal supply demanded by the Santa Fe Railroad. In 1889, however, the Caledonian Coal Company found that they were fighting some unknown enemy, thought to be purchasing agent of the Santa Fe, and no written contract was entered into. The Caledonian Company continued to furnish part of the coal to the Santa Fe Railroad, though a dispute existed as to the rates. On June 30, 1890, the entire contract was taken from the Caledonian Company and given to the Colorado Fuel and Iron Company and immediately the Caledonian Company found that they were being met in every field by the coal from the Colorado Company, which was being sold at a cheaper price than was possible if the full freight rates were charged. It was then discovered that the Colorado Company shipped its coal to El Paso and Denair at a freight rate of \$4 a ton, although the haul was one hundred and fifty miles further, and across two mountain ranges than from Gallup, where the mines of the Caledonian Company were located. The price paid by the Caledonian Company per ton from Gallup to El Paso and Denair was, however, \$5.56 and \$5.99, respectively. In November of 1890 the manager of the Caledonian Company says that he received a letter from Mr. Biddle, of the Santa Fe Railroad, which he construed to be an ultimatum, requiring the Caledonian Company either to sell its coal properties for what it could get for them or to be faced with the certainty that it would not get any trade in the territory south of Albuquerque. Mr. Biddle, of the Santa Fe Railroad, admitted writing the letter, but denied the intent attributed to it by the Caledonian people. The result, however, of the whole course of action has been to close the Caledonian mines, which were practically idle last winter, and at the same time to cost the stockholders of the Santa Fe Railroad for the same period over \$3,000 a day that could have been earned in freight if the Caledonian Company had been allowed to operate on an equal basis of competition. It is stated that the loss to the Santa Fe Company has been \$500 a day since it first started its fight against the Caledonian Company.

Special interest is taken in this case from the fact that Secretary Paul Morton, of the navy, was one of the high officials of the Santa Fe Railroad during the entire progress of this piratical fight, caused by the illegal granting of special rebates. President Ripley, of the Santa Fe Railroad system, says he does not believe that Secretary Morton has admitted to President Roosevelt that the Santa Fe road has deliberately violated the Interstate Commerce Commission laws. But for the repeal of that section of the Interstate Commerce Commission law of 1888, which imposed the penalty of imprisonment as well as fine on all officials who were guilty of any such practices as these which have just been described, if it should be found that Secretary Morton or President Ripley had been a party to granting the rebates which Traffic Manager Biddle admits were in effect, then the public of America would see the unusual sight of a Cabinet officer defending himself from a charge whose proof meant a term in the State prison. This change in the Elkins law, which imposes a fine only in place of imprisonment and fine, has already been commented on in this paper. The alleged reason for the change is the impossibility of imprisoning a corporation and as a matter of fact the requirements necessary to establish and impose the fine are much easier under the Elkins act than under the old commerce law, which it superseded. Whether the repeal of the penalty of imprisonment will prove advantageous or not remains to be seen. As the matter stands, however, the Elkins law is being much better enforced and is apparently better adapted to the prevention of rebates than was the law of 1888, which was previously enforced. The last reports are to the effect that the case will be reopened and both Secretary Morton and President Ripley will take the stand. Whether Secretary Morton emerges scatheless or not, the public will not lose the impression of infamous disregard of legal moral duty, which has been created by this action of the Santa Fe Railroad.

On January 5th the Baltimore and Ohio Railroad placed in active service a compound freight locomotive which is by far the largest machine of the kind in the world. The locomotive was built at the Schenectady Works of the American Locomotive Company and an official test was made between Cumberland and Hyndman, a distance of fourteen miles, on Wednesday afternoon, January 4th, the test being entirely successful. This locomotive was built for the purpose of helping freight trains over the grade from Sand Patch to Rockwood on the Connellsville division, a distance of sixteen miles. Sand Patch is thirty-three miles west of Cumberland, and from there to Rockwood the grade ranges from 1.3 to nearly

2 per cent. The heaviest grade is at the rate of about 1,000 feet to the mile. The locomotive was secured for use in "pushing service," to help freight trains over Sand Patch Hill, on the Allegheny Mountains.

It is, in fact, a pair of locomotives with one boiler. The engine, in working order, weighs 34,600 pounds, and the weight of the tender, filled with 7,000 gallons of water and thirteen tons of coal, is 143,000 pounds. It has the greatest heating surface ever put into a locomotive—5,886 square feet, of which 2,184 square feet are in the firebox and 3,702 square feet in the tubes, which are 21 feet long. These proportions, outside anything of the kind designed for a locomotive. The immense power of the locomotive may be conceived in the drawbar pull of 70,000 pounds, which it can exert working compound, or 80,000 pounds in simple gear. The boiler will carry a working pressure of 250 pounds.

Public Opinion announces that in its issue of January 19th, it will begin a series of articles, in reply to Thomas W. Lawson, under the general title, "The Truth About Frenzied Finance." The name of the author will appear at the head of the first article. The articles will be written by a well known financial writer who is thoroughly in touch with his subject, and who knows how to write with vigor and ability, and it is promised that before the series of articles is finished, the American public will be in a position to estimate the real truth of "Frenzied Finance."

Mr. Frank J. Gould is a man of affairs, and it is a tribute to our people and community that he is investing so largely in this section of the State. Under his ownership the electric car service has been vastly improved, and is by far the best service the people of this city and section have ever enjoyed. Mr. Gould seems now disposed to branch out and to should receive all possible encouragement. We should like to see him become a citizen of Virginia. If he decides to change his residence, we guarantee him a genuine Virginia welcome.

Maryland has lost a valuable citizen in the death of ex-Governor Lowndes. He was a Republican, but he was honest and courageous. He was in Congress when the Civil Rights bill was under discussion, and he was one of the few Republicans to vote against it. It is also a credit to him that when Governor of the State he was always a manly opponent of "deals" and "grifts." The Baltimore papers, one and all, pay the highest tribute to his ability and high moral character.

The New York Tribune Almanac and Political Register for 1905 is to hand, and as usual it is filled from end to end with valuable information, political and otherwise. As a quick reference book, the Tribune Almanac is simply indispensable. It contains over four hundred pages, and the information thereon is indexed and arranged so as to be right at hand in the very shortest possible time.

Generally speaking this is to be a warm year in Virginia politics. It will, however, be cold in spots, in the places where the defeated candidates happen to be living when the polls close.

"The Good Times Magazine" is the catchy name of a new Texas publication. The name is all right, if the magazine can always guarantee to bring them along.

According to the Atlanta Journal all the cotton fires in the South have consumed only ten bales. The boll weevil can give cards and spades and beat that.

The trial by court-martial of General Stoesel will be a mere matter of form to comply with a nonsensical Russian law, or custom.

"Fantastical Finance" will probably be the title of the magazine articles. Mrs. Chadwick will write when she gets out of jail.

They do say that the Richmond water wagon is holding on to its New Year's recruits much better than usual.

Tom Lawson is now engaged in a frantically frenzied effort to make Attorney General Moody believe it all.

It may be worthy of note that General Nogi found none of the Russian grand dukes in Port Arthur.

New York's wolf dog show will open February 15th, and as usual, it will be "the best ever held."

The man who "struck it" in Fulton will do well if he can sell out to Rockefeller.

every day ask for
"old Joe"
whiskey
the best
at the price
getting older
and older
better and better
all the time
be sure to
get the genuine
red seal over cork
atlanta
"b. & b."
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DESKS, CHAIRS.
Largest stock, lowest prices.
Call on us now.
CATALOO FREE.
CATERLIN STAMP & CO.
215-215 Main St.

The Youngest Sculptor.
Only thirteen years old is the little Polish painter and sculptor, Phadras Black, some of whose masterpieces were recently exhibited at the World's Fair, St. Louis. In musical world we meet Phadras frequently, but in the plastic art, Phadras's talent is seldom to be seen.

Short Studies of Foreign Governments. JAPAN.



THE Government of Japan was formed in conscious and avowed imitation of the governments of the great constitutional monarchies of Western Europe. In constructing their government, as in building their army, the statesmen of Japan adopted Germany as their principal model. But while in legal theory Japan's political institutions, national and local, are most like those of Germany, to no small degree in theory and to a still larger degree in their practical operation her institutions resemble those of her friend and ally, England. The framers of the Japanese constitution meant that their country's ministers should, like the German chancellor, be responsible to the emperor. In practice the ministers have become, or are rapidly becoming, responsible to the imperial diet. The constitution provides that the local governments of Japan shall, like those of Prussia, be directly and effectively subordinated to the central power. In practice the Japanese have acquired considerable control over their local affairs, and they seem disposed to extend this control until in the measure of true local self-government.



MUTSUHITO, EMPEROR OF JAPAN.

ment they enjoy they shall equal Anglo-Saxons.

The Japanese imperial constitution was promulgated February 11, 1889. The first election under it took place July 4, 1890. The first session of the imperial diet opened November 29, 1890. "The Empire of Japan," says the constitution, "shall be reigned over and governed by a line of emperors unbroken for ages eternal." While the emperor is "the head of the empire, combining in himself the rights of sovereignty," he consents to exercise them according to the provisions of the present constitution. The emperor makes laws "with the consent of the legislative diet." In case of urgent necessity he issues imperial ordinances in place of laws when the diet is not sitting; but if these ordinances are not approved by the diet when it meets they become invalid for the future. The emperor also appoints and dismisses all officers of the state, and several powers which are usually vested in a cabinet are conferred on such an executive. Acting in a consulta-

tive capacity to the emperor is his privy council, which is appointed by him, and advises him in important matters of state. It has another and a unique advisory body in the "elder statesmen," who are unknown to the constitution and even to the laws, but who exert important influence upon Japanese public policy. The present chief of the "elder statesmen" is Marquis Ito, who framed the constitution and is the real father of modern Japan.

While the privy council and the "elder statesmen" are the emperor's "highest resort of counsel," they do not directly participate in the work either of administration or of legislation. The government is carried on, both theoretically and in fact, by the cabinet. The cabinet has in it a prime minister, who is prime minister, and eleven other members, the ministers of foreign affairs, of finance, of the interior, of justice, of war, of the navy, of education, of agriculture and commerce, and of communications. The minister of the interior, like the officials bearing the same title in other countries, has under him the oversight of the subordinate governments. The minister of communications has supervision of the postoffice, telegraph, telephone, and railway, and of all other systems of transportation and communication, most of which are owned and operated by the government. For several years after the new government was organized the ministers were both constitutionally and practically responsible to the emperor. In 1889, however, the elements were written opposed the policies of the cabinet then in office, and the elements that favored them, crystallized into fairly regular and definite parties, and in 1890 the "opposition" became so largely in the majority in the chambers and made such aggressive and effective war upon the ministers that they were compelled to resign their offices. It has been considered an unwritten law that when a cabinet loses the confidence and support of the chambers it must make way for a cabinet whose policies the chambers approve. The ministers of the army and navy, however, have been taken out of politics, and their heads do not change with a cabinet resigning.

The imperial diet, or legislature, consists of two houses—a house of peers and a house of commons. The house of peers is composed of 14 members of the royal house, of princes and marquises, of counts, viscounts, and barons elected by the members of the privy council, and persons appointed by the emperor for credit or services to the state, and of persons elected from each fu and ken. Its membership is about 200. The house of representatives is composed of 300 members, who must be 30 years old, who are chosen for four years, and a fixed number of whom are returned from each electoral district. Voters must be 25 years old, and must pay a land tax of \$10 per year or other taxes amounting to \$20 per year. They attend the sessions of the house and take part freely in their debates, and most projects of legislation originate with them. The diet has complete control over the revenues, and it must be assembled every year.

For local administration Japan is divided into seventy-two ken and three fu, or prefectures, which roughly correspond to American States. The prefectures are subdivided into shi (municipalities) and gun (counties). Each prefecture has a governor, appointed by the emperor, and each municipality a mayor, a municipal assembly, and a municipal council. The main business of the municipalities and prefectures is to count the votes, to budget of local expenses and about the manner of raising taxes.

There are four kinds of courts in Japan, the local court, the district or provincial court, the court of appeal, and finally the supreme court. The judicial system, like the judicial systems of Germany and France, is much centralized, and is under the supervision of the minister of justice. In 1871 a wholly new code, modeled on the code Napoleon, was enacted.

S. O. D.

January 10th in World's History

1640. Maurice Abbot, a distinguished London merchant, died. He acquired great consequence by his own efforts in commercial affairs, and was employed in 1624 in establishing the settlement of Virginia. At the time of his death he was Mayor of London.

1645. William Laud, Archbishop of Canterbury, beheaded on Tower Hill, aged seventy.

1661. A proclamation issued by the King of England prohibiting conventicles for religious meetings.

1765. Stamp act passed the British Parliament.

1776. The New Hampshire convention dissolved itself and assumed legislative powers, chose twelve counselors as an executive branch and delegates to Congress, who were recognized.

1791. Vermont, the last of the thirteen original States, adopted the Constitution.

1815. The British, under General Lambert, having abandoned the enterprise on New Orleans, began to re-embark their artillery and munitions, preparatory to a general retreat.

1840. The uniform penny postage commenced in England; the number of letters dispatched from London on this day being 112,000; the average for January, 1839, being 30,000.

1861. Florida seceded.

1862. Reed Smoot, United States senator of Utah, born.

1868. Last convicts sent to Australia.

1903. Sixteen car loads of coal confiscated by a party composed of 300 of the leading citizens of Arcola, Ill., as protest against high prices.

1903. Unsuccessful attempt to assassinate King Alfonso XIII. of Spain.

1905. The Southside Sentinel (Urbana) fires this double charge at one pull of the trigger.

There seems to be some people in our beautiful and cultured Richmond who oppose the city's accepting Mr. Carnegie's gift of \$300,000 for the construction of a public library, because the city will have to appropriate something like \$100,000 a year for its maintenance. Just so, there are some people, perhaps, along the line of our proposed railroad who will oppose the building of the road because they may be called upon to give a 65 foot path of their own land over a hundred-acre farm. Such people as that must have been delayed in transit and ought to have arrived hundreds of years ago—they surely are not belonging to this enlightened and progressive age.

A Few Foreign Facts.

The last survivor of the kingdom of Poland, Louis Bonaparte, died at his home in Warsaw, aged 116. He was born in 1754, before the partition of Poland.

In Sweden confession is necessary before capital punishment can be carried out. If, however, the culprit persists in his boasting his innocence in the face of overwhelming evidence, the prison discipline is made extremely strict and severe until the desired confession is obtained.

Sir Ernest Cassel, of England, has what is practically a private orchestra, which, for some months in the year follows him from Newmarket to London and even to Switzerland. The conductor is permanently retained, and the musicians are engaged for a long season.

The appointment of Robert Nathan, of the Baltimore Post-Dispatch, as secretary to Lord Curzon, Viceroy of India, is one of more than usual interest, as he is the first Jew to be appointed to such a position. He is a brother of Sir Matthew Nathan, recently appointed governor of Hongkong.

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JURGENS

Before straight